IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 749 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KANTIBHAI CHHAGANBHAI TADVI

Versus

TADVI URMILABEN D/O OF DAMANBHAI

Appearance:

MS SADHANA SAGAR for Petitioner

MR SAMIR DAVE APP for Respondent - State

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/2000

ORAL JUDGEMENT

Rule. Mr.Samir Dave waives service of Rule on behalf of respondent-State. Heard the learned counsel for the parties and perused the provisions of Section 125 of Criminal Procedure Code. In case the amount of maintenance as awarded to the wife by the Judicial

Magistrte, First Clss, under section 125 of the Criminal Procedure Code is not paid, the husband can be sent behind the bars but this imprisonment cannot be for a period exceeding one month. Here, it is exceeding one month and as such, indulgence of this court is called for in the matter. The petitioner is to be set free forthwith by the jail authority. Rule is made absolute accordingly with no order as to costs.

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(sunil)